

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
DANIEL SCOTT OGDEN)
Defendant.)

POSITION OF THE UNITED STATES

COMES NOW the United States of America by and through LAWRENCE J. LAURENZI, Acting United States Attorney and Michelle Kimbril-Parks, Assistant United States Attorney for the Western District of Tennessee and notifies the Court of the position of the United States in accordance with § 6A1.2 of the Sentencing Guidelines and Policy Statements.

1. The attorney for the United States has received and reviewed the Presentence Report filed in this case.
2. The government has no objections to either the facts or the calculations contained in the Presentence Report. However, the government would agree that U.S.S.G. §2G2.1(b)(6)(A) is also applicable in addition to (B) as indicated in paragraph 25 in that the defendant made a knowing misrepresentation of his identity to persuade, induce, entice, coerce, or facilitate the travel of, a minor to engage in sexually explicit conduct.

Respectfully Submitted,

LAWRENCE J. LAURENZI
ACTING UNITED STATES ATTORNEY

S/ Michelle Kimbril-Parks
Assistant United States Attorney
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CERTIFICATE OF SERVICE

I, Michelle Kimbril-Parks, Assistant United States Attorney for the Western District of Tennessee, hereby certify that a copy of the foregoing Position of the United States has been forwarded to April Goode, Attorney for Defendant, 200 Jefferson Avenue, #200; Memphis, TN 38103.

This 10th day of December, 2008.

S/ Michelle Kimbril-Parks
Assistant U.S. Attorney